



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

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OFFICE OF
ENVIRONMENTAL
CLEANUP

OCT - 3 2014

MEMORANDUM

SUBJECT: EPA Response to the Lower Willamette Group's (LWG) August 26, 2014 Request for Dispute Resolution of EPA's Notice of Decisions on Background Regarding Section 7 of the Remedial Investigation; Lower Willamette River, Portland Harbor Superfund Site, USEPA Docket No: CERCLA-10-2001-0240

FROM: Deb Yamamoto, Unit Manager *Deb Yamamoto*
Superfund Site Cleanup, Unit #2
Remedial Cleanup Program

TO: Richard Albright, Director
Office of Environmental Cleanup

The LWG invoked formal dispute in accordance with Section XVIII of the Administrative Order on Consent for Remedial Investigation/Feasibility Study dated September 28, 2001, as amended on June 16, 2003 and April 27, 2006 dated June 27, 2005. The LWG's formal dispute statement and supporting documentation were submitted in a letter from the LWG dated August 26, 2014.

The attached enclosure and exhibits constitute the U.S. Environmental Protection Agency's response to the LWG's dispute statement. The LWG's August 26 letter and associated supporting documentation previously transmitted to you along with EPA's Response and exhibits and any reply the LWG may submit in accordance with your September 18, 2014 letter, constitute the administrative record ("Dispute Record") for deciding this dispute unless you request additional information.

The LWG is formally disputing EPA's decisions on background in EPA's modified Section 7 of the Remedial Investigation Report for the Portland Harbor Superfund site. Their main argument is that the EPA discards analytically valid data in conducting an erroneous outlier analysis. In summary, EPA's position is that a defensible background data set represents a single population and a few elevated statistical outliers present in a background data set are appropriately considered outliers to be excluded. Concentrations represented by those elevated outliers may not be coming from the main dominant background population under evaluation and yield distorted (incorrect and misleading) values of the decision making statistics. This position is consistent with EPA guidance as discussed further in the enclosure.

Please let me know if you have any questions or concerns about this response to the LWG's dispute statement.

Attachment

cc: Bob Wyatt, NW Natural
Kristine Koch, ECL
Sean Sheldrake, ECL
Lori Houck Cora, ORC